



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2205008
Application Name: Peter Goodall for Delridge Neighborhoods Development Association
Address of Proposal: 4408 Delridge Way S.W.

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use to change use of an existing three-story public school (Old Cooper Elementary School) to 17,230 sq. ft. of administrative office, a 4,160 sq. ft. performing arts theatre, two artist studio dwelling units on the ground floor and 35 artist studio dwelling units on floors two and three. Surface parking is to be provided for 72 vehicles.

The following approval is required:

SEPA – Environmental Determination - SMC Section 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The proposal site is known as “the Old Cooper School” as a new Cooper Elementary School has been constructed and occupied for several years up hill to the east. The building on site is a three-story brick faced structure with a good sized paved play area to the north. It is bounded by Delridge Way S.W. on the west, by S.W. Oregon St. on the south, by S.W. Genesee St. (unimproved) to the north, and by a partially improved 23rd Ave. S.W. to the west. A traffic signal controls the intersection of Delridge and S.W. Oregon St. Along the east side of the proposal site are found slopes, some portions of which are mapped as being 40% or greater in steepness; the base of a slope system leading up to the plateau-like area where the new Cooper

School and South Seattle Community College are located. This sloped area is also mapped by DPD as a potential slide environmentally critical area.

There is a pedestrian overpass connecting the proposal site to the public park/playfields and Delridge Community Center approximately 50 feet from the south property line. Vehicular access to the site is currently from Delridge Way S.W. by a driveway only about six feet north of the south property line. The driveway crosses in front of the school building and along the east side, under a covered play area structure, to the large paved area in the north portion of the site.



The existing building has been designated a Seattle Historic Landmark. An application for a Certificate of Approval to make the proposed modifications to the structure was made on July 24, 2003 to the Seattle Landmarks Preservation Board.

Proposal

The proposal is to change the use of the former school to a building which houses artists in artist studio dwelling units, a theater company in the former auditorium and multi-purpose rooms, with some administrative offices and classrooms and storage for both uses in the remainder of the building area. The proposal includes creating residential units in the attic space of the building, an area which has never been habitable before. The proposal includes 17,230 sq. ft. of administrative office space, a 4,160 sq. ft. performing arts theatre with 144 seats, two artist studio/dwelling units on the ground floor and 35 artist studio/dwelling units on the upper floors and in the attic. Surface parking is proposed for 72 vehicles.

Development is planned in two phases with the residential components going first and the theatre element to follow. The parking area to the north and a driveway into it from Delridge Way S.W. is part of the second component. The residential units will continue to use the existing driveway and existing parking spaces at the former school.

Additional Information

A School Use Advisory Committee ("SUAC") was formed twice for this building; first in 1991 and again in 2002. The second SUAC made amendments to the report of the first and incorporated them into a combined report and recommendation report dated December 2002, a copy of which can be found in the project file. As provided for in SMC 23.78.012 the Committee Report has been adopted by the Director of the Department of Neighborhoods. The use criteria and permitted uses now allowed include "professional, amateur, or nonprofit cultural activities such as art, dance drama, and music performances," "cinema/film showings," and "artist studio dwelling units or artist studio housing" and a parking provision which reads as follows.

"Required parking for any redevelopment at the Cooper Elementary School shall not be required to exceed a maximum of seventy two (72) parking spaces or whatever number of spaces can be accommodated within the boundaries of the northern playfield area while still meeting all applicable landscape and other parking-related development standards. A total of 72 spaces shall be considered adequate for all uses."

Public Comment

The SEPA proscribed comment period ran from August 28, 2003 to September 10, 2003. No comments were received. It should be noted that the reformed SUAC held three public meetings on the proposed changes to the use and development standards each of which included a period for public comment and questions. Comment received at the first meeting is evidenced in the summary found attached to the DON report. Comment was widely supportive of the proposed changes and of the artist studio, theatrical and theatrical company uses proposed under the proposal being reviewed in the MUP application. Included in the comments was one from a representative of both the Pigeon Point Community Council and of the Delridge Neighborhood Council indicating support also from those organizations. Concern was broadly expressed about any plan to create a P Patch garden in areas of steep slope along the eastern portion of the site.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 28, 2003, and annotated by this Department. This information in the checklist, supplemental information provided by the applicant (Letter from the State Office of Historic Preservation, application for Certificate of Approval from the City Office of Historic Preservation, project plans), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations).”

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and control of soil erosion through use of best management practices); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate short-term impacts to the environment and they will be sufficient without conditioning pursuant to SEPA policies.

Long-Term Impacts

Long-term or use related impacts are also anticipated from the proposal and include: increased surface water runoff from greater site coverage by impervious surfaces; potentially decreased water quality in surrounding watersheds; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption; increased on-street parking demand and increased vehicle congestion. These long-term impacts are not considered significant because they are minor in scope.

Notwithstanding the determination of non-significance, the following impacts merit more detailed discussion.

Traffic

Traffic generated by Phase I of this proposal, 37 artist studio dwelling units, office and storage is not expected to be great in relation to the capacities and performance levels of nearby streets and intersections. Nor are these uses expected to generate large peak volumes. Instead they would be expected to be spread throughout a typical day.

Phase II would introduce traffic from persons arriving at the site for time specific events. The theatre space will accommodate approximately 144 attendees. The most reliable information available to DPD on the traffic generated by use of an auditorium for evening events comes from a study done on behalf of the Seattle School District conducted at Eastlake High School on the Issaquah Plateau. For a performance not related to the school 0.15 trips per attendee were generated in the p.m. peak traffic hour for surrounding streets, 0.68 in the peak hour before the performance and 0.43 in the peak hour after the event. Using this factor to predict traffic demand for the proposed theatre yields 21.6 p.m. peak hour trips, 97.9 trips in the peak hour prior to a performance and 61.9 trips in the post event peak hour.

This event-related level of traffic would be disruptive to normal traffic operations if routed to the existing driveway and curb cut approximately six feet north of the intersection of Delridge Way S.W. and S.W. Oregon St. The proposal under review is to construct a new driveway and curb cut north of the Old Cooper School building into the new proposed parking area to be established there.

For Phase I, entry to the site is proposed to remain as it currently is a single driveway located only about six feet north of the signalized intersection of S.W. Oregon St. and Delridge Way S.W. Placement of a driveway so close to a signalized intersection would normally not be a preferred option. In this case topography limits other options. Making a connection to the drive on the east side of the building from S.W. Oregon St. would require cutting and grading through a sloped area and could create traffic flow problems as east bound cars wait for traffic to clear before they turn into the site. These queues could cause backups into the signalized intersection to the west. A driveway from Delridge Way S.W. into the north lot area is planned for Phase Two of this proposal, but, is considered too expensive for Phase One. Discussion with traffic and street improvement personnel as SDOT has led to the conclusion that the existing driveway can reasonably be used for the first phase of the proposal, but would be much more problematic for the second due to the peak traffic flows expected from the theatre use. In order to insure an acceptable measure of safety in the use of the existing driveway and curb cut location it is necessary to exercise SEPA condition authority to require that the applicant install signage limiting use to right turn in and right turn out movements only as well as new channelization curbs in the center area of Delridge Way S.W. sufficient to further inhibit left turn movements in and out of the driveway. Work in the public right-of-way must be done to SDOT specifications and pursuant to an SDOT permit.

Parking

As in the traffic analysis above ITE does not provide the best data for estimating the parking impact from a community theatre. Instead the Hefron Transportation study prepared for the Seattle School District is again relied upon here. In that study it was found that a community-group performance (in the theatre at Eastlake High School on the Issaquah Plateau) is to be expected to generate approximately 0.43 vehicles per attendee. Or, in the case of the 144 seat theatre 62 vehicles. While there are a mix of residential and non-residential uses in the proposed development, the highest parking demands would be expected during a sold out evening performance in the theatre, a time when residential parking demand would also be high and demand generated by other non-residential uses might be low. The 35 residential uses are required by the Seattle Land Use Code to have one parking space each and would be expected to have a demand of at least that much parking. Potentially there would be 37 parking spaces left to meet the 62 space theatre demand. Observation by the DPD planner as well as comments received at SUAC public meetings indicates that parking on Delridge Way S.W. is not highly utilized in the evening near the proposal vicinity. A 25 space or greater overflow of parking demand could be expected to be met by the on-street parking capacity along both sides of Delridge Way S.W. and in the residential areas to the east and west of the proposal site.

No SEPA based conditioning of parking impacts is warranted.

Environmentally Critical Areas

Included in the proposal for this project as described in written materials and in the DON Director's SUAC Decision is the creation of a "pea patch" or garden area in the northeast portion of the site, east of the paved parking area. As noted in the site description and in the inserted GIS map and photo information, both above, there are areas of mapped environmentally critical areas, both potential slide and steep slope, along the eastern edge of the proposal site and beyond. The steep slope mapping on site is more limited than that of the potential slide and it appears there are areas of slope moderate enough to allow such a garden area in the northeast corner of the site.

It should be noted that the SUAC generated development standards state that the parking which can be accommodated on the site shall be deemed sufficient to meet Land Use Code provisions for the reuse of the site. While a Decision of the Director of the Department of Neighborhoods can certainly add to the list of allowed uses for a particular former school building or site and apparently can modify development standards as necessary to facilitate those uses, one cannot change the requirements of the Building Code or of the Fire Code or of the Environmentally Critical Areas Code. While the DON Director's Decision can indicate a desire that a garden be created in an area which may be an ECA it cannot mandate its legality. None-the less, there are areas in and near the sloped areas in the northeast portion of the site where the pea patch may be allowable.

In order for the pea patch garden area to be legally established SEPA review must be undertaken and an ECA Tree and Vegetation Removal Permit must be obtained. SEPA review will be conducted here. An ECA vegetation review and permit issuance process will need to be commenced at a later date.

The ECA codes of Seattle generally prohibit disturbance areas with slopes greater than 40%. Areas otherwise defined and mapped as having the potential for landslides are required to be altered only with care, both in engineering and in drainage and erosion control measures. A permit review at DPD to allow creation of a garden area in the ECA areas of the subject site would insure that environmentally mitigating measures are taken as necessary. Existing development standards and BMP requirements will be sufficient to mitigate impacts and no SEPA conditioning, other than a restatement of the non-appealable statement of the requirement of an ECA Tree and Vegetation Removal Permit, is deemed necessary.

Other Impacts

Several adopted Codes and Ordinances and other agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic; increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

During Construction

1. File a Notice of Intent to Construct with the Puget Sound Clean Air Agency prior to demolition or construction.

2. Develop an ECA re-vegetation plan and obtain an ECA Tree and Vegetation Removal Permit for such work from DPD prior to undertaking any activities disturbing the steep slope area along the east portion of the site.

Prior to Occupancy of Phase I

3. Prior to occupancy of either the residential units or of the non-residential uses, install signage limiting vehicles using the existing driveway to right turn in and right turn out movements only and install new channelization curbs in the center area of Delridge Way S.W. sufficient to further inhibit left turn movements in and out of the driveway. Work in the public right-of-way must be done to SDOT specifications and pursuant to an SDOT permit.

Prior to Occupancy of Phase II

4. Applicants shall build a City code complying driveway between Delridge Way S.W. and the north parking area before occupancy or use of any portion of the site for public assembly, including, but not limited to the theatre space or outdoor events.

Signature: (signature on file) Date: February 9, 2004
Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Services